

MINUTES OF MEETING OF BOARD OF ELECTRICAL APPEALS

January 10, 2006 - 3:00 p.m.

OFFICE OF CENTRAL INSPECTION CITY HALL, 455 NORTH MAIN FIRE PREVENTION CONFERENCE ROOM 11TH FLOOR

Chairman Roy Meinhardt called the meeting to order at 3:01 pm, with Board members Dale Johnson, John Whittit, Harold Ragland, Jerry Addington and Secretary Tom Kerschen present. Also present was Steve Schauner electrical inspector. Board member David Urban was absent.

The minutes of the December 13, 2005 meeting were read. Board member Whittit made a motion the minutes be approved as written, it was seconded by Board member Addington and approved.

The recent examination results from Exporior Assessments for electrical examinations administered by their office for City of Wichita approved applicants were presented to the Board. The results were as follows:

APPLICANT NAME	APPLICANT NUMBER	EXAMINATION CLASSIFICATION	EXAMINATION RESULT
Kevin Dearing	4951	Master	Failed
Richard Diaz	2270	Residential Journeyman	Failed

Two (2) Master Electrician and one (1) Journeyman Electrician examination applications were reviewed for approval to be administered the appropriate examination for certification. The results were as follows:

NAME	NUMBER	CLASSIFICATION	ACTION
Bradley Ashcraft	4938	Master	Approved
David Thiesing	7692	Master	Approved
Joe D Correll Jr	7098	Journeyman	Approved

Under part A of the unfinished business section of the agenda, Boyd Howard gave the Board members two copies of the Findings of Fact on the hearing of Tom Saint Peter of Saint Electric, one that was prepared by the City law department with suggested changes by Boyd Howard and the second copy was a clean copy with the changes added. The Board reviewed each of the 16 items listed on the Findings of Fact both as written by Doug Moshier, City law department, and the suggested changes by Boyd Howard, attorney for Tom Saint Peter. Board member Addington made a motion to accept the Findings of Fact as prepared by Mr. Moshier with the changes on item numbers 2, 8 and 9 as presented by Mr. Howard with item 14 being one year

and with item 15 also being one year with the date starting January 10, 2006. It was seconded by Board member Whittit and unanimously approved. Attached to the minutes is the approved Findings of Fact.

Under part A of the new business section of the agenda, Secretary Kerschen asked the Board that with the recent changes in the City ordinance and that the National Electrical Code does not allow overcurrent devices in clothes closets, the Boards interpretation on allowing 3-wire range and dryer circuits to be extended when existing panels would have to be relocated out of clothes closets. After a lengthy discussion on the pros and cons of splicing range and dryer wiring, especially the existing circuits that are aluminum wire and would have to be spliced with copper wire and the potential hazard that would create, the Board agreed the existing policy of not allowing those circuits to be extended should continue.

Lonny Wright asked to address the Board and was granted permission. He reported that he had talked to the City Manager and the expanding of the trade boards was not taking place at this time. He thanked the Board for their comments and time.

With no other business to conduct, Board member Whittit made a motion to adjourn. Board member Addington seconded the motion and the meeting adjourned.

The time was 3:55 pm.

Tom Kerschen, Secretary,
Board of Electrical Appeals

FINDINGS OF FACT
DISCIPLINARY HEARING FOR
THOMAS ST. PETER

1. Thomas St. Peter holds an electrical contractor's license with the City of Wichita. His license is #1390.
2. On April 12, 2005, the Board of Electrical Appeals (hereafter the "Board") conducted a hearing to consider complaints by the Office of Central Inspection that on several occasions over the last few years prior to April 2005 unlicensed employees of Saint Electric, a company owned by Thomas St. Peter. OCI staff presented the Board with copies of several citations claiming Saint Electric employees had been observed doing electrical work when no licensed journeyman or master electrician employed by the company was present at the job site. No record of whether the citations resulted in convictions was presented. Mr. St. Peter was not present at this Board meeting.
3. The Board took action at its April 12, 2005, meeting to suspend the electrical contractor's license of Thomas St. Peter.
4. Thomas St. Peter, through his attorney, filed an appeal of the Board's action on April 20, 2005.
5. By agreement between Mr. St. Peter's attorney and the Board's attorney, the effectiveness of the Board's suspension of Mr. St. Peter's license with respect to existing permits was delayed until the next regular meeting of the Board in May 2005.
6. During the period of time between April 12, 2005, and the Board's meeting on May 10, 2005, Saint Electric was permitted to continue work on existing permits.
7. On April 13, 2005 the City sent Mr. St. Peter notice that the Board, at its May 10, 2005, meeting would consider disciplining him for incidents in which unlicensed employees of his company were performing electrical work without required supervision by a licensed electrician.
8. Mr. St. Peter and his attorney attended the Board's May 10, 2005 meeting. At that meeting the Board rescinded its prior action to suspend Mr. St. Peter's electrical contractor's license and took no action against his license as a result of matters considered by the Board at that meeting. However, the Board did direct the Superintendent of Central Inspection to send Tom St. Peter of Saint Electric a letter stating the interpretation of supervision of apprentices/helpers by OCI and a definition of job site as used in Section 19.08.015.
9. On May 23, 2005, Kurt Schroeder and Tom Kerschen sent Mr. St. Peter a letter in which he was ordered to provide supervision of his unlicensed employees when they were performing electrical work. The order defined what the Superintendent considered "electrical work" as "just about any other installation or work activity" besides "movement of electrical supplies and materials" or "cleanup work". It also defined what the Superintendent considered supervision at the job site as a continuous and constant physical presence. The letter did not include a definition of the phrase "job site".

10. On October 3, 2005, an inspector for the Office of Central Inspection observed two employees of Saint Electric doing electrical work at 12125 E. Andrea in the City of Wichita, Kansas. He confirmed that these two employees were not licensed electricians and that no licensed journeyman or master electrician was on site supervising the employees.
11. On or about October 13, 2005, notice was sent to Mr. St. Peter that the Board would consider action against his electrical contractor's license on the basis that he had failed to comply with the order of the Superintendent of Central Inspection as set forth in the May 23, 2005, letter by permitting his unlicensed employees to do electrical work while unsupervised. A hearing to consider this matter was scheduled for the Board's regular meeting in November 2005. At the request of Mr. St. Peter's attorney, this hearing was continued to the meeting of December 13, 2005.
12. Mr. St. Peter, at the hearing on December 13, 2005, admitted that he was at the work site on 12125 E. Andrea on October 2, 2005, and that he left the site and failed to direct his unlicensed employees to cease doing electrical work during his absence. He further admitted that this action was in violation of the order of the Superintendent of Central Inspection set out in the letter dated May 23, 2005.
13. Based on the above, the Board finds that Thomas St. Peter failed to comply with a lawful and reasonable order of the Superintendent of Central Inspection, in violation of the provisions of Section 19.08.050(b)(3) of the Code of the City of Wichita, by permitting his employees to perform electrical work while unsupervised at 12125 E. Andrea on October 3, 2005.
14. Because of this violation, the Board suspends the electrical contractor's license of Thomas St. Peter for a period of 12 months effective January 10, 2006.
15. Mr. St. Peter is granted probation from the effectiveness of such suspension for a period of 12 months so long as he complies with the conditions of such probation.
16. The conditions of probation are that Mr. St. Peter not violate Section 19.08.050 of the Code of the City of Wichita and, more specifically, that he not violate the order of the Superintendent of Central Inspection as contained in the letter of May 23, 2005.